IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 17959 of 1998

Between:

1 M.Madhusudhan Rao,
Tiruvuru, Krishna District.
2 K.V.Mohan Rao,
Vidyut Nagar, Saligrampuram,
Visakhapatnam.

... PETITIONERS

AND

1 Superintending Engineer, A.P.H.M.H.I.D.C.,
Karimnagar.
2 Executive Engineer, A.P.H.M.H.I.D.C.,
Near Morthala Venkatreddy Hospital, Khammam.
3 Managing Director, A.P.H.M.H.I.D.C.,
Somajiguda, Hyderabad.
4 Director, Mines & Geology,
Government of Andhra Pradesh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents insisting Mines Department Revenue Clearance Certificate in its absence collecting five time penalty along with normal seigniorage fee is illegal, arbitrary from the bills of the contractors and consequently direct the respondents not to collect five time penalty along with normal seigniorage fee from the bills of the petitioner contractor in pursuance of Agreement Nos.41/APHMHIDC/97-98 dated 19-1-1998 and 52/APHMHIDC/97-98 dated 6-2-1998.

Counsel for the Petitioners: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondents: SPL GP FOR TAXES FOR

The Court made the following. -

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader appearing on behalf of the respondents.

2. It is submitted by the learned Government pleader and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by a common order passed by this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998.

3. In the circumstances, following the common order of this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

April 12, 2005

MRR

Copy to. –

1 *Superintending Engineer, A.P.H.M.H.I.D.C., Karimnagar.*
2 *Executive Engineer, A.P.H.M.H.I.D.C., Near Morthala Venkatreddy Hospital, Khammam.*
3 *Managing Director, A.P.H.M.H.I.D.C., Somajiguda, Hyderabad.*
4 *Director, Mines & Geology, Government of Andhra Pradesh, Hyderabad.*

Two C.C. s to the Spl. G.P. for Taxes.

Two C.D. Copies.